IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. NO. 378 OF 2004

KRISHNAKUMAR KARSANDAS ASHAR ... Appellant
V/S
THE MUNICIPAL CORPORATION
OF THE CITY OF THANE &; ANR. ... ... Respondent

D.R. Shah with S.D. Patil for appellant
Mr. R.S. Apte for respondent nos. 1 & 2.

CORAM: D. G. KARNIK **J.**

DATE: December, 4, 2006

P.C.:

1. Heard learned counsel for the parties.
2. Learned counsel for the respondent raises a preliminary objection about the maintainability of the appeal. In view of the said objection learned counsel for the appellant seeks leave to withdraw the appeal with liberty to challenge the impugned order before the appropriate forum in appropriate proceedings, subject to law of limitation. Leave granted. Appeal is dismissed with liberty as above.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Civil application No. 501 of 2004
in
A. O. NO. 378 OF 2004

KRISHNAKUMAR KARSANDAS ASHAR ... Appellant
V/S
THE MUNICIPAL CORPORATION
OF THE CITY OF THANE &; ANR. ... ... Respondent

D.R. Shah with S.D. Patil for appellant
Mr. R.S. Apte for respondent nos. 1 & 2.

CORAM: D. G. KARNIK **J.**

DATE: December, 4, 2006

P.C.:

In view of the disposal of the appeal this civil application does not survive and disposed of.

(D.G. KARNIK J.)